

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR02-358-RSM
Plaintiff,)
v.)
SARAH JANE MERCER,) SUMMARY REPORT OF U.S.
Defendant.) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE

An initial hearing on supervised release revocation in this case was scheduled before me on January 23, 2006. The United States was represented by AUSA Kelly L. Harris and the defendant by Paula S. Deutsch . The proceedings were digitally recorded.

Defendant had been sentenced on or about July 11, 2003 by the Honorable Barbara Jacobs Rothstein on charges of Manufacturing Counterfeit Securities of the United States; Fraudulent Use of a Person's Identification; Manufacturing False Identification; and Bank Fraud and sentenced to 21 months custody, 5 years supervised release. (Dkt. 32).

The conditions of supervised release included the standard conditions plus the requirements that defendant be prohibited from possessing a firearm, submit to mandatory drug testing,

01 participate in a narcotic addiction/drug dependency treatment program and testing, abstain from
02 the use of alcohol, submit to search, participate in a mental health program, pay restitution in the
03 amount of \$4,026.39, provide access to financial information, maintain a single checking account
04 for all financial transactions, provide information regarding any business interests, disclose all
05 assets and liabilities, allow inspection of personal computer, notify probation officer of any
06 software used by defendant, no new credit without permission, and no identification documents
07 in any but defendant's true identity. The amount of restitution was changed to \$3,536.39 on July
08 30, 2003 (Dkt. 35).

09 Supervision commenced on July 29, 2004. On March 7, 2005, defendant admitted to
10 violating the terms of supervised release by using methamphetamine, failing to notify her probation
11 officer of a change in residence, and failing to notify her probation officer within 72 hours of being
12 questioned by a law enforcement officer. (Dkt. 42). Defendant was ordered to reside in a halfway
13 house for up to 6 months with permission to visit her family on the weekends, and ordered to
14 obtain permission before changing residences either temporarily or permanently. (Dkt. 46).

15 In an application dated December 19, 2005 (Dkt 47), U.S. Probation Officer Christopher
16 Luscher alleged the following violations of the conditions of probation:

17 1. Failing to follow the instruction of the probation officer, in or about October and
18 November 2005, in violation of standard condition No. 3.

19 2. Changing residence without probation officer approval, on or about September 1,
20 2004, in violation of the special condition requiring the defendant to receive prior approval to
21 change residences by the U.S. Probation Officer and to not move permanently or temporarily until
22 given authorization by the U.S. Probation Officer.

01 Defendant was advised in full as to those charges and as to her constitutional rights.

02 Defendant admitted the alleged violations and waived any evidentiary hearing as to
03 whether they occurred.

04 I therefore recommend the Court find defendant violated her supervised release as alleged,
05 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
06 set before Judge Martinez.

07 Pending a final determination by the Court, defendant has been released on the conditions
08 of her supervised release.

09 DATED this 23rd day of January, 2006.

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11 _____
12 Mary Alice Theiler
13 United States Magistrate Judge

14 cc: District Judge: Honorable Ricardo S. Martinez
AUSA: Kelly L. Harris
15 Defendant's attorney: Paula S. Deutsch
Probation officer: Christopher Luscher